

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM C. FLOYD JR.,)	8:13CV195
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT P. HOUSTON,)	
)	
Respondent.)	

This matter is before the court on Petitioner's Objections (filing nos. [14](#) and [19](#)) and his Motion for Default (filing no. [20](#)).

I. BACKGROUND

On July 16, 2013, the court conducted an initial review and set deadlines for the progression of this case. (Filing No. [6](#).) Thereafter, the court granted Respondent an extension of time to file state court records (filing no. 8), and two extensions of time to file an answer and initial brief (filing nos. 16 and 18). With the extensions, Respondent's answer and initial brief were due on December 6, 2013. (*See* Filing No. 18.) Respondent has failed to file an answer or initial brief by the court's deadline. (*See* Docket Sheet.)

II. PETITIONER'S OBJECTIONS & MOTION FOR DEFAULT

On October 3, 2013, Petitioner filed an Objection regarding Respondent's failure to file an answer and failure to provide him with material listed on Respondent's motion for enlargement of time. (Filing No. [14](#).) Because the court extended Respondent's time to file an answer after Petitioner filed this first Objection (*see* filing nos. 16 and 18), Petitioner's first Objection is denied.

On December 13, 2013, Petitioner filed an Objection to Respondent's second and third requests for additional time to file an answer. (Filing No. [19](#).) However, by the time this Objection was filed the court had already granted Respondent's requests. (See Filing Nos. 16 and 18.) Accordingly, Petitioner's second Objection is denied as moot.

On January 9, 2014, Petitioner filed a Motion for Default Judgment. (Filing No. [20](#).) In this Motion, Petitioner argues he is entitled to default judgment because Respondent failed to file an answer by the court's December 6, 2013, deadline. (*Id.*) Petitioner's Motion has merit; Respondent has not filed an answer or initial brief. (See Docket Sheet.) However, the court will not enter default judgment at this time. Rather, the court will order Respondent to show good cause or excusable neglect for his failure to comply with this court's orders. The court will also require Respondent to file his answer and initial brief. The court warns Respondent that his failure to comply with this Memorandum and Order could result in sanctions, including the potential release of Petitioner. Accordingly,

IT IS THEREFORE ORDERED that:

1. Petitioner's Objections (filing nos. [14](#) and [19](#)) and Motion for Default (filing no. [20](#)) are denied in accordance with this Memorandum and Order.
2. By February 21, 2014, Respondent shall show good cause or excusable neglect for his failure to comply with this court's orders.
3. By February 21, 2014, Respondent shall file an answer and initial brief.
4. Respondent's failure to comply with this Memorandum and Order could result in sanctions, including the potential release of Petitioner.

5. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: February 21, 2014, check for Respondent's showing of good cause and excusable neglect, Respondent's answer, and Respondent's initial brief.

DATED this 27th day of January, 2014.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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